

DEPARTMENT OF CONSUMER AFFAIRS
COURT REPORTERS BOARD OF CALIFORNIA
MINUTES OF THE OPEN SESSION AUGUST 1, 2002

CALL TO ORDER

Ms. Julie Peak, Chair, called the meeting to order at 5:04 p.m. at the Westin Los Angeles Airport Hotel.

ROLL CALL

Board Members Present:

Julie Peak, Chair, CSR
Karen Gotelli, Vice Chair, Public Member
Gary Cramer, CSR
John Hisserich, Public Member

Board Members Absent:

Alfred Knoll, Public Member

Staff Present:

David E. Brown, Executive Officer
Connie Conkle, Executive Assistant
Gail Jones, Enforcement Coordinator
George Ritter, Staff Legal Counsel

INTRODUCTION OF NEW BOARD MEMBER

Ms. Julie Peak introduced Mr. John Hisserich, a recent appointment to the Board by the Speaker of the Assembly. Ms. Peak also reintroduced Mr. Gary Cramer, a new appointee from Governor Davis' office.

MINUTES OF APRIL 25, 2002 OPEN SESSION

The minutes of the April 25, 2002 open session were approved by consent by Ms. Peak and Ms. Karen Gotelli.

LEGISLATION

Ms. Peak requested Mr. David Brown provide a brief synopsis of various bills of interest to the Board. She stated a bill of particular interest that would need possible action was SB1244, which would extend the study time regarding the necessity to register court reporting firms. It would also delete the 45-day deadline to file an application for examination with the Board. Mr. Cramer motioned to send a letter of support to Senator Figueroa's office. Mr. John Hisserich seconded; **MOTION CARRIED.**

Mr. Cramer requested the following bills to be added to the Board's "watch list": SB 1128; SB 2059; AB 2634 and AB 3027. Ms. Peak directed staff to attend the Assembly Committee on Appropriations hearing regarding SB 1244 scheduled for August 7, 2002.

REGULATIONS

Mr. Cramer requested the Board to move this agenda item to the end of the meeting.

KELSEY-JENNEY COLLEGE CLOSURE

Mr. David Brown stated staff has researched the issue of options for the students at Kelsey-Jenney. He stated the school was not licensed by the Bureau of Private Post-secondary and Vocational Education but was accredited through the Western Association of Schools and Colleges which means the students are not eligible for a refund of tuition through the state. Also, the students would not be able to transfer their tuition to another school. Staff was providing students who called the Board office with phone numbers for the Student Aid Commission. Mr. George Ritter stated he had spoken with the Bankruptcy attorney for Kelsey-Jenney College and the attorney stated Coleman College had agreed to accept the records of the students.

CHAIRPERSON REPORT

Ms. Peak, Board liaison, and Mr. Cramer, Task Force member, provided the Board with an overview of the Reporting of the Record Task Force.

EXECUTIVE OFFICER REPORT

Mr. Brown reviewed the action items from the April Board meeting and the status of each item. He stated staff had sent approximately 2000 questionnaires to CSR's around the state as a research tool for the Occupational Analysis. The Board received approximately 500 responses which are now in the data entry section. After the information is inputted, a report will be sent to the Office of Examination Resources at the Department of Consumer Affairs (Department).

Mr. Ritter reviewed the Legal Opinion he had provided the Board regarding the issue of attorneys stipulating to the use of a shorthand reporter who has not been licensed by the Board. Mr. Ritter stated the conclusion was that attorneys conducting a deposition cannot eliminate the legal requirement that the reporter must be licensed by the Board.

Mr. Brown stated the Department was at the end of the contract with the test vendor which handles the computer based testing. The vendor had until July 1, 2002 to let the Department know whether they would extend the contract or the Department would have to go out to bid for a new vendor. The current vendor did not respond to the July 1st deadline so the deadline was extended until August 1, 2002.

PROTOCOL FOR BOARD DISCUSSION AND MOTIONS

Ms. Peak held this item over to the next meeting.

DRAFT STRATEGIC PLAN

Mr. Brown stated the draft strategic plan was not available for the Board to review at this meeting.

EXECUTIVE OFFICER PERFORMANCE APPRAISAL CRITERIA

Ms. Peak held this item over to the next meeting.

REPORT ON BOARD'S SUBCOMMITTEES

Ms. Peak stated the Education Subcommittee met on June 8th, 2002 and developed a list of recommendations for the Board:

- George Ritter to research whether board policies regarding grading of exams should be a regulation.
- Review of Punctuation Guidelines for the CSR Examination
 - Commas: Direct address and dates should be included as examples.
- Review of Examination Grading Policies for Skills Portion
 - Contractions: Negative contractions would be counted off, all others would not.
 - Speaker Errors: The point count issue (5 points vs. 1 point) to be referred to the test validation team for review and recommendation.
 - Punctuation: Remove, "wherever the examinee determines that to be" from the explanation.

Mr. Ritter recommended to hold over the recommendations regarding punctuation guidelines and exam grading policies to the next meeting. He would like to research whether Board policies regarding the grading of exams should be in regulations. After a brief discussion, Ms. Peak requested staff to place this portion of the recommendations on the next agenda for discussion and possible action.

- Board to change law to reflect a certificate of qualification would not expire.

Mr. Brown stated this item would be discussed as the next agenda item.

- Limit the use of computers in transcription to "notebooks" or the appropriate terminology to designate that desktop pc's are not allowed into the exam.

After a brief discussion, Mr. Cramer made a motion to refer recommendation back to staff for additional information i.e. space requirements and other possible set up ideas for the CAT users. Mr. Hisserich seconded; **MOTION CARRIED.**

- Allow only pencils into the transcription room and no writing devices, i.e. pens, highlighters, will be allowed in the dictation or transcription room.

After a brief discussion, Ms Gotelli motioned to only allow wooden pencils to be brought in to the transcription room and no writing device i.e. pens, highlighters, pencils will be allowed in to the dictation room. Mr. Hisserich seconded the motion; **MOTION CARRIED.**

- Staff to research the use of a privacy shield on computer screens in the transcription room and the types of recording devices currently on the market.

Mr. Brown stated staff would research this issue for the next board meeting.

- Staff to research the regulation regarding qualifiers whether the transcript must be produced immediately after dictation.

Mr. Brown stated this issue would be considered part of the regulation versus policy issue discussed earlier in the meeting.

Mr. Ned Branch and Ms. Gotelli updated the board on the current activities of the Community Outreach Subcommittee.

5 YEAR EXAMINATION REQUALIFIER - B & P CODE 8020

Mr. Ritter recommended revising Sections 2418 and 2419 of the Board's regulations to make them consistent with the intent of Business and Professions Code 8020. This would allow an applicant who has been unsuccessful on a particular examination not to be penalized with the five-year limitation period. Mr. Brown stated ultimately the Board would have to change the statute to remove the 5-year, soon to be 3 year exam qualifier and changing the regulation would be the first step. After further discussion, Mr. Cramer motioned to eliminate the statute mandating a five-year requalifying requirement for all five qualifying methods. Mr. Hisserich seconded the motion; **MOTION CARRIED.**

Mr. Brown suggested language for Business and Professions Code 8020:

Any person over the age of 18 years who has not committed any acts or crime constituting grounds for the denial of licensure under Sections 480, 8025, and 8025.1, who has a high school education or its equivalent as determined by the board, and who has satisfactorily passed an examination under any regulations that the board may prescribe, shall be entitled to a certificate and shall be styled and known as a certified shorthand reporter. No person shall be admitted to the exam without first presenting satisfactory evidence to the board that the applicant has obtained one of the following: (a) One year of experience in making verbatim records of depositions, arbitrations, hearings, or judicial or related proceedings by means of written symbols or abbreviations in shorthand or machine shorthand writing and transcribing these records. (b) A verified certificate of satisfactory completion of a prescribed course of study in a recognized court reporting school or a certificate from the school that evidences an equivalent proficiency and the ability to make a verbatim record of material dictated in accordance with regulations adopted by the board contained in Title 16 of the California Code of

Regulations. (c) A certificate from the National Court Reporters Association demonstrating proficiency in machine shorthand reporting. (d) A passing grade on the California state hearing reporters examination. (e) A valid certified shorthand reporters certificate or license to practice shorthand reporting issued by a state other than California whose requirements and licensing examination are substantially the same as those in California.

Mr. Cramer motioned for the suggested language to be submitted to the Office of the Legislative Counsel. Mr. Hisserich seconded the motion; **MOTION CARRIED.**

Ms. Peak directed staff to seek an author for the change.

RECESS

At 6:25 p.m., Ms. Peak requested a ten-minute recess.

RECONVENE

The board reconvened at 6:40 p.m.

VOLUNTARY BOARD QUALIFIER EXAMINATION - B & P CODE 8020

Ms. Peak stated the recommendation from the Education Subcommittee was not to implement voluntary qualifiers. Mr. Cramer reviewed his proposal to the board which would amend existing law to provide for a 24-month waiver of the requirement that requires the passing of a school qualifier to take the board examination. He stated his intention of bringing this to the board was not to eliminate qualifiers but to conduct a two-year pilot project to study the effect of eliminating the school qualifier. After hearing comments from the audience and board members, the board decided to table the proposal.

REGULATIONS

Ms. Peak stated the board needed to reaffirm the language of 2411 through 2418. Mr. Hisserich made a motion to adopt the language of Sections 2411, 2413, 2414, and 2418. Ms. Gotelli seconded the motion; **MOTION CARRIED.**

PUBLIC COMMUNICATIONS

Mr. Cramer requested staff to look into the viability of offering the exam out of state.

FUTURE MEETING DATES

November 14, 2002 - Los Angeles

Mr. Brown stated he would contact each board member individually for possible dates in early 2003.

RECESS TO CLOSED SESSION

The Board recessed to closed session at 7:20 p.m.

RECONVENED

The Board reconvened to open session at 7:30 p.m. Ms. Peak stated in the closed session the Board approved the minutes of the April 25, 2002 closed session.

ADJOURN

Ms. Peak adjourned the meeting at 7:35 p.m.

JULIE PEAK, Chair DATE

DAVID E. BROWN, Executive Officer DATE